

### **REMARKS**

Applicants appreciate the thorough and detailed examination of the present application as evidenced by the Final Action. Claims 22-24, 26-28 and 34-39 are currently pending. Claim 22 is amended herein to recite that the polypropylene fibers consist essentially of polypropylene. Applicants respectfully request reconsideration of this application in view of this amendment and the following remarks.

#### **Recordation of Interview**

Applicants wish to thank Examiner Cole for the telephone interview with Applicants' attorney, Dolores W. Herman, on January 6, 2009. Applicants appreciate the opportunity to discuss the proposed claim amendments with the Examiner.

#### **Claims 22-24 and 34-39 Are Patentable Over Suzuki**

Claims 22-24 and 34-39 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated, or in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 5,814,569 to Suzuki et al. ("Suzuki"). *Final Action*, page 2. In response to Applicants' previously submitted arguments that Suzuki does not teach polypropylene fibers in its nonwoven webs, the Final Action alleges that the fibers of Suzuki are polypropylene fibers because they are made of polypropylene. *Final Action*, page 5.

Applicants maintain and reiterate all arguments previously presented in response to this rejection. However, to expedite prosecution of this application to issuance, Applicants have herein amended Claim 22 to recite that the polypropylene fibers of the nonwoven web consist essentially of polypropylene. As discussed in the telephone interview of January 6, 2009, Suzuki does not describe any nonwoven webs having the recited properties wherein the polypropylene fibers consist essentially of polypropylene. Suzuki's fibers have a polyester core. As indicated in Applicants' Response to the Office Action dated May 22, 2008 (Submitted August 19, 2008), Suzuki clearly describes the polyester core as being important to the basic and novel

characteristics of the nonwoven web. Of particular note is Suzuki's Comparative Example 2, in which Suzuki's drawing process is performed with polypropylene fibers, such that no polyester core is present. *Suzuki*, cols. 18-19. The resulting nonwoven fabric is described to be "inferior in both elasticity and the percentage of elastic recovery." *Suzuki*, col. 19, lines 8-9. In fact, Table 2 lists that for Suzuki's nonwoven fabric formed from polypropylene fibers, the ratio of the elongation in the cross direction to the ratio of the elongation in the machine direction is 1.3, thus clearly below the ratio of 8 as recited in the pending claims. As such, Suzuki itself evidences that its processes do not form nonwoven webs that have the claimed properties of consisting essentially of polypropylene fibers that consist essentially of polypropylene.

As such, Applicants believe the present rejection is now overcome and respectfully request that it be withdrawn.

#### **Claims 26-28 Are Patentable Over Suzuki In View of Morman**

Claims 26-28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Suzuki in view of U.S. Patent Application Publication No. 2003/0100238 to Morman et al. ("Morman"). *Final Action*, page 4.

For at least the reasons described above with respect to Claim 22, from which Claims 26-28 depend, Applicants submit that Claims 26-28 are patentable over Suzuki. As Morman is only cited for describing laminate formation, Morman does not remedy the deficiencies of Suzuki. Therefore, Applicants respectfully request that the present rejection be withdrawn.

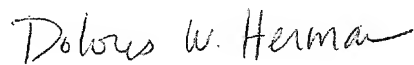
#### **CONCLUSION**

Having addressed all of the issues raised by the Examiner in the pending Office Action, Applicants believe that the claims as presented herein are in condition for allowance, which action is respectfully requested. The Examiner is invited and encouraged to contact the undersigned directly in order to expedite the prosecution of the pending claims to issue.

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No fee is believed to be due with this response. However, the Commissioner is authorized to charge any deficiency associated with this filing or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

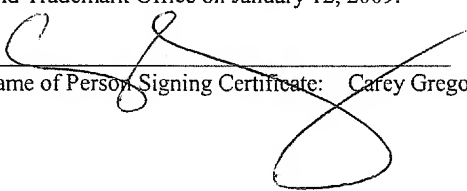


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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on January 12, 2009.

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